

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

SNMP RESEARCH, INC. and SNMP)	
RESEARCH INTERNATIONAL, INC.,)	
Plaintiffs,)	
v.)	
)	Case No. 3:20-cv-451
Broadcom Inc.)	
Brocade Communications Systems LLC)	Jury Demanded
Extreme Networks, Inc.)	
)	
Defendants.)	

JOINT STATUS REPORT OF THE PARTIES

COME NOW, Plaintiff SNMP Research, Inc. (“Plaintiff”) and Defendants Broadcom Inc. (“Broadcom”), Brocade Communications Systems LLC (“Brocade”), and Extreme Networks, Inc. (“Extreme”) (collectively, “Defendants”), by the undersigned counsel of record, and pursuant to the Court’s order directing the parties to file a joint status report of no more than two pages outlining the remaining issues the Court will need to address at the hearing on March 25, 2022, do hereby advise the Court as follows:

1. Plaintiff’s Motion to Compel Discovery Responses from Extreme (Dkt. 96):

- a. Plaintiff’s Statement:** Plaintiff’s position is that Extreme has reproduced its document production in a form that is compliant with the parties’ ESI Protocol (Dkt. 52-1). Accordingly, issue number nine identified in the list set forth at Dkt. 96-1 at 2 has been resolved. All other issues in the list and accompanying chart identified at Dkt. 96-1 at 2-3 remain unresolved and ripe for the Court’s decision. The parties recently held two meet and confer calls regarding Brocade’s discovery to Plaintiffs during which the Defendants’ production of source code has been revisited. Those discussions have yielded no progress and further highlighted the need for the Court’s assistance.
- b. Extreme’s Statement:** Extreme is at the call of the Court to address any issues from SNMP's motion, but notes that the parties are continuing to meet and confer on subject matter addressed in the papers, and in particular, source code discovery. Extreme's request for fees incurred in opposing this premature motion remains pending. Despite SNMP's motion practice, Extreme has made significant productions and continues its collection and review efforts.

2. Plaintiff’s Motion to Compel Discovery Responses from Broadcom and Brocade (Dkt. 115):

- a. Plaintiff’s Statement:** Plaintiff’s position is that Broadcom and Brocade have reproduced their document production in a form that is largely compliant with the parties’ ESI Protocol (Dkt. 52-

1), although many of these documents were produced with newly-degraded PDF quality. Accordingly, romanette (ii) in Table 1 of the chart located at Dkt. 115 at 2 has been resolved aside from the PDF quality issue. Recent supplemental document productions by Brocade have resolved Plaintiff's RFPs to Brocade No. 89 and RFPs to Broadcom Nos. 88 and 96. Additional documents produced by Brocade have only served to partially respond to a few of Plaintiff's outstanding document requests. Plaintiffs have had two meet and confers with Defendants regarding discovery to Plaintiff from Brocade which have reinforced Plaintiffs' understanding that (i) Defendants' proposal of a "mutual source code exchange" is not mutual and benefits only the Defendants, and (ii) the parties are in need of the Court's assistance. All other issues in the list and accompanying chart identified at Dkt. 115 at 2-6 remain unresolved and ripe for the Court's decision.

b. Broadcom's and Brocade's Statement: Defendants Broadcom and Brocade have made several document productions, totaling 46,967 pages of documents, and they continue to diligently collect and review documents responsive to Plaintiffs' discovery requests. For many months, Defendants have also made reasonable proposals for a mutual source code exchange, which Plaintiffs have thus far rejected but which the parties have recently begun meeting and conferring about again. As set forth in Defendants' oppositions to Plaintiffs' motions to compel, Plaintiffs' motion practice has been premature, unnecessary, impedes progress, and only causes delay. Defendants' requests for fees and costs relating to Plaintiffs' premature September 13, 2021 motion to compel (which Plaintiffs withdrew) and for Plaintiffs' current motion to compel are also pending. Defendants are currently meeting and conferring with Plaintiffs regarding Plaintiffs' responses to Defendants' discovery requests, and Defendants will file a motion to compel if those discussions are not successful.

Respectfully submitted this 11th day of March, 2022.

/s/ John L. Wood

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